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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,658	10/17/2006	Jean-Marc Scherrer	0502-1040	3786
466 7590 06/03/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER KIM, PAUL D	
			ART UNIT 3729	PAPER NUMBER
			MAIL DATE 06/03/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/553,658

**Applicant(s)**

SCHERRER ET AL.

**Examiner**

Paul D. Kim

**Art Unit**

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 10/14/05.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is a response to the restriction requirement filed on 3/5/2009.

#### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1 and 2, in the reply filed on 3/5/2009 is acknowledged.
2. Claims 3 and 4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/5/2009.

#### ***Specification***

3. The abstract of the disclosure is objected to because the abstract does not sufficiently describe the claimed invention Examiner suggests changing the phrase of "The invention relates..." and "The inventive method is...". Correction is required. See MPEP § 608.01(b).
4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

#### ***Claim Objections***

5. Claims 1 and 2 are objected to because of the following informalities:

Re. Claim 1: The phrase "it comprises the steps consisting in" appears to be --the method comprising steps of--.

Re. Claim 2: The phrase "Method" as recited in line 1 appears to be --The method--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re. Claim 1: The phrase "a last side" as recited in line 6 renders the claim vague and indefinite. It is unclear as to what the last side is indicated. Is it a top portion or bottom portion?

The phrase "cuts in said last side" as recited in line 7 renders the claim vague and indefinite. It is unclear as to how many cuts in the last side.

The phrase "the cuts" as recited in line 8 renders the claim vague and indefinite. It is unclear as to whether the cuts are "a series of cuts" as recited in line 4 or "cuts" as recited in line 7.

The phrase "the sides adjacent the latter" as recited in line 8 renders the claim vague and indefinite. It is unclear as to what the sides adjacent the latter are indicated. Are the sides indicated all of the sides?

The phrase "these cuts" as recited in line 9 renders the claim vague and indefinite. It is unclear as to what the these cuts are indicated.

Re. Claim 2: The phrase "the cuts" as recited in line 1 renders the claim vague and indefinite. It is unclear as to whether the cuts are "a series of cuts" as recited in line 4 or "cuts" as recited in line 7 of claim 1.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by De Puy (US PAT. 3,466,746).

De Puy teaches a process of making a spiral coil from a tubular blank (1, as shown in Fig. 1) of polygonal cross-section comprising steps of: machining, in a first series of passes, a series of cuts substantially parallel to one another through all of the sides (as shown in Figs. 1D and 2) of the tubular blank with the exception of a last side (a top portion, as shown in Fig. 1D); and machining, in a second series of passes, cuts in the last side in order to ensure junction of the cuts opening out in the sides adjacent the latter (a top portion, as shown in Fig. 1D), so that all cuts are continuous with respect to one another and constitute a single groove of helicoidal shape as shown in Figs. 1D and 2 (see also col. 2, line 70 to col. 3, line 48).

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US PAT. 3,656,378).

Davis teaches a process of making a spiral shape winding from a tubular member (22, as shown in Fig. 1) of polygonal cross-section comprising steps of: machining, in a first series of passes, a series of cuts substantially parallel to one another through all of the sides (50, as shown in Figs. 8-12) of the tubular blank with the

exception of a last side (a top portion, as shown in Fig. 10); and machining, in a second series of passes, cuts in the last side in order to ensure junction of the cuts opening out in the sides adjacent the latter (a top portion, as shown in Fig. 10), so that all cuts are continuous with respect to one another and constitute a single groove of helicoidal shape as shown in Figs. 8-12 (see also col. 2, line 36 to col. 3, line 22).

Re. Claim 2: The machining of the cuts is ensured by means of a rotary machining disc (45) as shown in Figs. 11 and 12.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Thursday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul D Kim/  
Primary Examiner, Art Unit 3729